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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/054,718 | 10/25/2001 | Mark Graham Lawrie | 60130-1251/00MRA0380 | 5370 |

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EXAMINER

STRIMBU, GREGORY J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3634

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/054,718

Applicant(s)

LAWRIE ET AL.

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 9,12,13 and 21-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8,10,11 and 14-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.5+2.5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Information Disclosure Statement

The information disclosure statement filed March 29, 2002 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the JP 07 20 2188, JP 11 05 1243, JP 11 07 0107, JP 10 09 0054 and JP 09 32 4988 references have not been considered.

The information disclosure statement filed March 29, 2002 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. It has been placed in the application file, but the JP 11-159244, JP 11-286215, JP 2000-265743, JP 2000-248831 and JP 9-49369 references have not been considered.

Election/Restrictions

Applicant's election without traverse of Invention I, Group I in Paper No. 8 is acknowledged. Accordingly, claims 9, 12, 13 and 21-23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention and species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 8.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

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The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the legal phraseology "means" on lines 2, 3, 5, 9 and 11 should be avoided. On line 10, "a large diameter portion" is confusing because it is unclear if the applicant is referring to the large diameter portion set forth above or is attempting to set forth another large diameter portion in addition to the one set forth above. On line 13, "component" should be changed to --components-- to be grammatically correct. Correction is required. See MPEP § 608.01(b).

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It is suggested that the applicant amend the title to include the concept of the assembly attaching a window regulator motor to a window regulator mechanism through the door panel. See claims 1 and 16-18.

Claim Rejections - 35 USC § 112

Claims 1-8, 10, 11 and 14-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "a large diameter cylindrical portion" on line 5 of claim 1 render the claims indefinite because it is unclear what element of the invention includes the large diameter portion the applicant is referring to. Recitations such as "the form of" on line 2 of claim 2 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Is one of the fixing portions actually a threaded portion or merely in the form of a threaded portion. Recitations such as "parallel sided" on lines 1-2 of claim 6 render the claims indefinite because it is unclear what the applicant is attempting to set forth. What comprises "parallel sided"?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 6, 8, 10, 11 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Raptis. Raptis discloses an assembly comprising a first 12, a second 24 and a third 14 component having a first hole (not numbered, but shown in figure 4), a second hole (not numbered, but shown in figure 4) and a third hole (not numbered, but

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shown in figure 4), respectively, the assembly further including a locating member 10 assembled into the first hole, the second hole and the third hole, the located member having at least a small diameter cylindrical portion 20 which is concentric relative to a large diameter cylindrical portion 18 to provide a shoulder (not numbered, but seen in figure 1), the located member further including a first fixing portion 22 proximate the small diameter portion for securing the second component relative to the assembly and a second fixing portion 16 proximate the large diameter portion for securing the third component relative to the assembly, in which the small diameter portion is located in the second hole in order to align the locating member relative to the second component, and the large diameter portion is located in the third hole in order to align the located member relative to the third component, thereby aligning the second component relative to the third component, in which the first component is situated between the second and third component and also between the shoulder and the second component, the second portion comprises a threaded portion (claim 2) that engages the second component (claim 3), the second component comprises a nut (claim 5), the locating member includes a driving feature, i.e., the threads 22 (claim 8).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raptis as applied to claims 1-3, 5, 6, 8, 10, 11 and 19 above, and further in view of Schult et al.

Schult et al. discloses an assembly comprising a locating member 1 having two threaded ends 3 and 9 each having a corresponding nut 5 and 25.

It would have been obvious to one of ordinary skill in the art to provide Raptis with a double threaded construction, as taught by Schult et al., to position the shaft of the locating member from either end of the connecting member.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raptis as applied to claims 1-3, 5, 6, 8, 10, 11 and 19 above, and further in view of Dahl. Dahl discloses a locating member 17 having a tapered threaded fixing portion 21.

It would have been obvious to one of ordinary skill in the art to provide Raptis with a tapered threaded portion, as taught by Dahl, to enable the threads of the threaded portion to perform a self tapping function.

Claims 14 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raptis as applied to claims 1-3, 5, 6, 8, 10, 11 and 19 above, and further in view of Dobson et al. Dobson et al. discloses an assembly comprising a door panel 18 (first component), a window regulator mechanism 24 (second component) and a window regulator motor 20 (third component) wherein the first component is sealed via the seal 40 with respect to the second component.

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It would have been obvious to one of ordinary skill in the art to provide Dobson et al. with a locating member, as taught by Raptis, to provide a means for providing a more secure connection.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raptis as applied to claims 1-3, 5, 6, 8, 10, 11 and 19 above, and further in view of Dobson et al. Dobson et al. discloses an assembly comprising a seal 40 for sealing between two components 18 and 24.

It would have been obvious to one of ordinary skill in the art to provide a seal between the first and third components to prevent material from traveling between the first and third components.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raptis as applied to claims 1-3, 5, 6, 8, 10, 11 and 19 above. Raptis is silent concerning a second locating member.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide more than one locating member, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yoshimura, Decoux, Swanstrom, Knappe et al., Tschirschwitz et

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al., Tajima et al., Fukura et al., Blankenburg et al., Sessa, Podolan et al., Pickles, Velthaus et al., Tinder et al. and Samways et al. are cited for disclosing an assembly including a locating member.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a long horizontal flourish extending to the right.

Gregory J. Strimbu
Primary Examiner
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October 28, 2003